

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

18 U.S.C. § 922(g) - Felon in Possession of Firearm and Ammunition

FILED
 August 5, 2024
 Mark B. Busby
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

 PENALTY: 15 Years imprisonment
 \$250,000 fine
 3 years supervised release
 \$100 special assessment
 Forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

▶ RICHARD LEE HARDMAN

DISTRICT COURT NUMBER 24-mj-71189 KAW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form ISMAIL J. RAMSEY

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Jonathan U. Lee

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☒ On another conviction☒ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: 0

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

August 5, 2024

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

United States of America

v.

Richard Lee Hardman

Case No. 24-mj-71189 KAW

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 12, 2024 in the county of Alameda in the
Northern District of California, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(g)

Offense Description

Felon in Possession of Firearm and Ammunition

This criminal complaint is based on these facts:

See affidavit of FBI Special Agent Christopher Smith

☒ Continued on the attached sheet.Approved as to form /s/ Jonathan U. Lee
AUSA Jonathan U. Lee/s/ Christopher Smith*Complainant's signature*FBI Special Agent Christopher Smith*Printed name and title*

Sworn to before me by telephone.

Date: 08/05/2024City and state: Oakland, CA
*Judge's signature*Hon. Kandis Westmore, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Christopher Smith, a Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, hereby declare as follows:

INTRODUCTION

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a criminal complaint and arrest warrant for **Richard Lee Hardman** (DOB: 10/13/1998) for being a felon in possession of a firearm and ammunition, in violation of Title 18, United States Code, section 922(g)(1) on or about June 12, 2024, in the Northern District of California.

2. This affidavit is submitted for the limited purpose of securing a criminal complaint and arrest warrant. I have not included every fact known to me concerning this investigation. Instead, I have set forth only the facts necessary to establish probable cause that violations of the federal law identified above have occurred.

3. I have based my statements in this affidavit on my training and experience; personal knowledge of the facts and circumstances obtained through my participation in this investigation; information provided by law enforcement officers, including officers from the Oakland Police Department (OPD); information provided by reports prepared by other law enforcement officers; and information provided by databases, including **Hardman's** criminal history. Where I refer to conversations and events, I often refer to them in substance and in relevant part rather than in their entirety or verbatim, unless otherwise noted. This affidavit also reflects my current understanding of facts relating to this investigation, but my understanding may change in the future as the investigation proceeds.

4. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since December 2021. I graduated from the FBI Academy in Quantico, Virginia on April 13, 2022. As part of my training to become a Special Agent, I received approximately 18 weeks of

instruction at the FBI Academy. Since graduating from the Academy, I have received further training regarding federal and state laws and investigative techniques relating to criminal street gangs, criminal enterprises, human intelligence, wire, electronic, and physical surveillance, cold case investigations, narcotics trafficking investigations, human trafficking investigations, and firearms investigations. I am currently assigned to a squad that investigates violent crime in the Bay Area and in particular Alameda County. During my career as an FBI Special Agent, I have participated in various violent crime investigations including narcotics trafficking, firearms-related offenses, murder for hire, fugitive, robbery, child exploitation, and gang investigations. During these investigations, I have utilized, or participated in investigations that utilized, various types of investigative techniques, including the use of confidential human sources (“CHS”), consensual recording, controlled purchases of firearms and narcotics; financial analysis, garbage searches, Global Positioning System (“GPS”) tracking, investigative interviews, physical surveillance, records research, telephone toll analysis, and the service of Grand Jury subpoenas. I have participated in the execution of numerous state and federal arrest warrants and search warrants related to illegal activities involving commercial robberies that resulted in the seizure of cellular devices containing evidence of the robberies. My training and experience have given me an understanding of how people who commit violent offenses, including those who commit robberies, use the cellular devices, the Internet, and social media to facilitate and commit those offenses. As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

5. I know that it is a violation of Title 18, United States Code, Section 922(g)(1) for any person who has been convicted in any court of any crime punishable by imprisonment for a term exceeding one year to knowingly possess any firearm or ammunition that has been shipped or transported in interstate commerce.

6. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that that **Hardman** committed the following federal offense:

(1) Felon in Possession of a Firearm and Ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

PROBABLE CAUSE

7. On June 12, 2024, officers of the Oakland Police Department (OPD) conducted an arrest of **Hardman** pursuant to a felony warrant for attempted murder (*see paragraphs 11-13 below for details*) in violation of Penal Code (PC) section 664/187(A) at a Safeway grocery store located at 1421 Tara Hills Drive, Pinole, California.

8. OPD officers conducted surveillance outside of **Hardman's** residence at 2619 Shamrock Drive, San Pablo, California and observed **Hardman** and his girlfriend exiting the residence and entering a 2017 gold Ford Fusion, where **Hardman** was seated in the driver seat. Officers then followed the gold Ford Fusion to the Safeway where they observed **Hardman** exit the driver seat. As **Hardman** exited the driver seat, officers observed a large bulge under his clothing at in the center of his waistband, which he guarded with his hand. As **Hardman** and his girlfriend walked towards the entrance of the Safeway, two apparent shoplifters ran from Safeway being chased by security. In reaction to this, **Hardman** hid behind his girlfriend and clutched at the bulge with his hand over his clothing. Due to the bulge under his clothes near his waistband, and the movement **Hardman** made when security personnel exited the Safeway, officers believed that **Hardman** was in possession of a firearm. Officers then observed **Hardman** and his girlfriend enter the Safeway.

9. Officers then entered the Safeway to detain **Hardman** for his active felony warrant. As officers announced their presence with commands for **Hardman** to surrender into OPD custody, **Hardman** began to flee from officers. Officers then began to give chase on foot while giving **Hardman** commands to surrender, which he did not comply and continued to flee. Officers closed the distance on **Hardman** and attempted to detain him, however, **Hardman** fought to free himself of their grasp. After wrestling **Hardman** to the ground, officers were able to place **Hardman** under arrest.

10. Officers then conducted a full search of **Hardman** and located a Glock 31 .357 caliber firearm, serial number VTU719, with an attached 20 round magazine with an unknown number of rounds, around his left ankle (**Figure 1**). Officers had to cut the pant leg to remove the firearm which was held in place by the tight-fitting pant leg. I believe the firearm slipped from his waistband and sank down toward his ankle under his pants during the arrest. The firearm was rendered safe, which revealed one live round inside the chamber. The magazine was downloaded at a later date and twenty live rounds were extracted from the magazine.



*Figure 1. Screen capture of the body worn camera footage of OPD officers pulling a Glock 31 handgun from **Hardman's** left pant leg.*

11. The attempted murder warrant stems from a shooting which occurred on May 19, 2024, at an Arco gas station located at 889 West Grand Ave, Oakland, California. At approximately 12:39 p.m., OPD officers responded to a ShotSpotter activation at the Arco gas station. Upon arrival, officers located two spent .357 Sig rounds near the south fence of the parking lot near the entrance to the car wash at the Arco gas station. There were no other casings located and no strike marks were observed. No victims were shot or hurt.

12. The dash cam video of an uninvolved citizen captured the shooting. I have reviewed this dash cam video. The video depicts the arm of an unknown black suspect pointing a firearm through the south fence of the Arco gas station in the direction of people pumping their gas at the gas pump stalls. During this time, a white Toyota SUV pulled into the gas pump stall that is closest to the south fence. The unknown suspect, who was wearing a black, long sleeve article of clothing, then fired approximately two shots at an unknown target at the gas station stalls (Figure 2). The white Toyota SUV, who was in the line of fire, fled the gas station after the shots were fired. Surveillance footage of 22nd Street, which is a street just south of the Arco gas station, revealed that just prior to the shooting, a gold Ford Fusion sedan was driving westbound on 22nd Street. The vehicle stopped in the road and a person believed to be the shooting suspect exited the front passenger side of the vehicle, wearing a black hoodie and blue pants. The suspect continued to walk westbound on 22nd Street toward the direction of the Arco gas station, while the gold Ford Fusion repositioned on 22nd Street facing eastbound. As the suspect arrived at the south fence of the Arco station, a white SUV could be seen pulling into the gas pump stalls. The suspect then pointed his arm in the direction of the gas station, before fleeing eastbound on 22nd Street. The suspect then entered the front passenger side of the gold Ford Fusion before the Fusion fled eastbound on 22nd Street.



Figure 2. Screenshot taken from the dashcam of the shooting.

13. Further investigation revealed that the shooter was **Hardman** based on surveillance videos prior to the shooting. I have reviewed these surveillance videos. Prior to the shooting, at approximately 12:26 p.m., a gold Ford Fusion, similar to the suspect vehicle, parked northbound on West Street, just outside of a convenience store located at 799 17th Street, Oakland, California. This convenience is approximately a half a mile away from the Arco gas station. **Hardman** then exited out of the front passenger seat of the Fusion wearing a black hoodie and blue jean pants, similar to the clothing of the shooting suspect (Figure 3). **Hardman** walked out of frame of the video for a couple of minutes and then returned back to the gold Ford Fusion which departed at approximately 12:32 p.m. Surveillance footage outside of JJ Fish and Chicken, located across the street from the Arco gas station, revealed the shooting suspect, who was wearing a covering over his face as well as clothing similar to **Hardman** and two unknown females looking in the direction of the Arco gas station. The suspect and the unknown females then entered into the gold sedan and departed from the JJ Fish and Chicken parking lot. I believe **Hardman** saw someone he wanted to harm at the Arco gas station while he was at JJ Fish and Chicken, and consequently, I believe he directed the unknown female to drive him around the block so that he could shoot at the unknown target.



Figure 3. Screenshot of surveillance footage of Hardman after he exited a gold Ford Fusion (top right) prior to the shooting.

14. Prior to June 12, 2024, **Hardman** was convicted of multiple crimes punishable by a term of imprisonment exceeding one year.

15. For example, in 2020, **Hardman** was convicted of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1) and sentenced to 30 months imprisonment followed by three years of supervised release in *United States v. Hardman*, CR 19-272 JSW. This Court issued its judgment in that case on January 29, 2020.

16. Additionally, **Hardman** violated the terms of supervised release and received a sentence of one year and one day imprisonment by judgment issued June 22, 2023. *See* ECF 59 in CR 19-272 JSW. The judgment included a special condition of supervision prohibiting **Hardman** from knowingly participating in the Ghost Town gang, associating with any member of Ghost Town, or wearing the clothing, colors or insignia of Ghost Town.

17. According to his criminal history documents, **Hardman** also sustained three state convictions. On May 26, 2022, **Hardman** was convicted of violating Penal Code § 29800(a)(1), a felony, and received a two-year prison term. On September 6, 2017, **Hardman** was convicted of violating Penal Code § 29800(a)(1), a felony, and received a sentence of 360 days in county jail. On November 17, 2016, **Hardman** was convicted of violating Penal Code § 25400(a)(2), a felony, and received a combined term of 380 days in county jail.

18. From my experience in other gun-possession cases, I know that Glock handguns are manufactured in Austria or in Smyrna, Georgia, and have never been manufactured in the State of California. I am also aware from my experience that the ammunition recovered inside of the magazine of the firearm recovered from **Hardman** has never been manufactured in the State of California.

Hardman's Association to the Ghost Town Gang

19. I believe **Hardman** is a member of the Ghost Town gang. I believe this because **Hardman** is known and well-documented by law enforcement as a member of Ghost Town and has been arrested/detained with other Ghost Town gang members in the past. For example, in

October 2021, OPD officers investigating a homicide at or around 7:05 p.m. in a liquor store in the area of 2400 Adeline Street in Oakland found a suspect vehicle at approximately 9:00 p.m. in the 3000 block of East 18th Street in Oakland, and when officers approached a nearby silver Mazda with **Hardman** and two other occupants, **Hardman** quickly exited the vehicle and walked westbound on East 18th away from officers. Officers located an AR style rifle on the rear passenger floorboard near where **Hardman** was observed sitting in the Mazda along with a handgun underneath the front passenger seat. **Hardman**, as well as five other members or associates of Ghost Town, were arrested, and six different firearms were seized during the arrests. **Hardman** was arrested for being in violation of 29800 PC – Felon in Possession of a Firearm and 30605(a) PC – Illegally possessing an Assault Weapon.

20. On February 17, 2022, OPD officers were assigned to execute an arrest of **Hardman** for an outstanding arrest warrant and a follow up search of a related residence. Officers observed **Hardman** sitting in the front passenger seat of a Volvo SUV, with two known Ghost Town members, one in the driver's seat and the other in the back seat. The vehicle was parked near the K&D Market Deli in the 1100 block of 24th Street, which is in Ghost Town gang territory. **Hardman** and the other two individuals entered the store. Officers located **Hardman** in the rear of the store inside of the freezer. Officers conducted a search of the Volvo SUV and seized an assault style rifle, with an attached extended magazine containing an unknown number of live rounds and one live round in the chamber, in the front passenger seat of the vehicle, where **Hardman** was sitting, and a Glock 21 handgun, with an attached 26 round extended magazine containing an unknown number of live rounds and one live round in the chamber, in the rear passenger side of the vehicle. **Hardman** was arrested for being in violation of several gun related violations.

21. I also know that some Ghost Town gang members are involved in the music industry as rappers and are frequently featured in music videos. Due to the public nature of

music videos, not everyone can participate. Participants must be members of the gang, members of allied gangs, or at the very least be affiliated with the gang. Music videos that go “viral” or attract a large number of viewers lend prestige to the gang; allowing non-members to participate would share that prestige with non-members, and therefore, participation in such videos is limited. As one example, on May 10, 2024, a publicly available music video was posted to YouTube featuring **Hardman**. Known Ghost Town gang members are prominent throughout the video. In the video, **Hardman** can be seen displaying the Ghost Town hand sign behind a T-Shirt that says, “Free Lil 3”. “Lil 3” is the moniker for a known Ghost Town gang member who is currently incarcerated. I believe these shirts are meant to show support to a fellow Ghost Town gang member as well as show allegiance to the Ghost Town gang.

CONCLUSION

22. Based on the above information, I submit that there is probable cause to believe that, on or about June 12, 2024, in the Northern District of California, the Defendant, **Richard Lee Hardman**, committed the following federal offense:

- a. Count One: Felon in Possession of Firearm and Ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/

Christopher Smith
FBI Special Agent

Sworn to before me over the telephone on this 5th day of August 2024.



THE HONORABLE KANDIS A. WESTMORE
U.S. MAGISTRATE JUDGE